

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ARDELL LEVERT JENKINS,

Case No. 20-CV-820 (NEB/KMM)

Plaintiff,

v.

ORDER ON REPORT AND  
RECOMMENDATION

PIZZA HUT, SUBWAY, LUND, and CUB  
FOOD,

Defendants.

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The Court has received the April 6, 2020 Report and Recommendation of United States Magistrate Judge Katherine M. Menendez. (ECF No. 3.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 3) is ACCEPTED;
2. The action is DISMISSED WITHOUT PREJUDICE for failure to state a claim upon which relief can be granted under 28 U.S.C. § 1915(e)(2)(B)(ii); and
3. Plaintiff's application to proceed without prepaying fees (ECF No. 2) is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 12, 2020

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge